

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

OPERATING ENGINEERS LOCAL 139
HEALTH BENEFIT FUND, *et al.*,

Plaintiffs,

v.

Case No. 05-C-0624

ABC CONTRACTORS, INC.,
a Wisconsin corporation,

Defendant.

ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant, ABC CONTRACTORS, INC., a Wisconsin corporation, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant having been taken, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.

2. The Defendant is bound by the terms of the collective bargaining agreement referred to in the Complaint of Plaintiffs.

3. The Defendant is obligated to make contributions to each of the Plaintiff Funds in accordance with collective bargaining agreement.

4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Pursuant to such Agreement and Declaration of Trust, Plaintiffs are entitled to examine the payroll books and records of an Employer required to make contributions to the Plaintiff Funds.

6. Such audits are to be made and conducted by the accountants of the Plaintiff Funds.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That Defendant make available to Combined Crafts Statewide Audit Program, Accountants for the Plaintiff Funds, within thirty (30) days of the entry of this Order, its payroll books and records covering the period of January 1, 2004 through the present date for which it is found that contributions are required to be made, and that an account be taken as to all employees of the Defendant covered by the collective bargaining agreement referred to in the Complaint of the

Plaintiffs, as to wages received and hours worked, and determination be made of amount due Plaintiffs.

B. The Court hereby retains jurisdiction of this cause and all of the parties hereto for the purpose of enforcing this Order.

Dated at Milwaukee, Wisconsin, this 9th day of August 2005.

s/J. P. Stadtmueller
J. P. STADTMUELLER
U.S. District Judge